

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

MARK CHRISTIANS,

Plaintiff,

vs.

DARIN YOUNG, in his individual capacity;
TROY PONTO, Deputy Warden SDSP,
individual capacity; JESSICA COOK, Associate
Warden SDSP/Jameson, individual capacity;
BRENT FLUKE, Former Warden MDSP,
individual capacity; REBECCA SCHIEFFER,
Associate Warden MDSP, individual capacity;
ALEX REYES, Associate Warden MDSP,
individual capacity; CODY HANSON, Unit
Manager Jameson, individual capacity; SETH
HUGHES, Unit Manager Jameson, individual
capacity; NANCY CHRISTENSEN, Unit
Manager MDSP, individual capacity; DEREK
EKEREN, Unit Coordinator Jameson, individual
capacity; DEB EILERS, Unit Coordinator
MDSP, individual capacity; LAURIE
STRATMAN, Unit Coordinator MDSP,
individual capacity; JULIE STEVENS, Case
Manager MDSP, individual capacity; ANGELA
PECHOUS, Unit Coordinator, individual
capacity; JEANNIE BIRCH, Program Manager,
individual capacity; GREASMAN, a/k/a ADAM
SIMS, Correctional Officer, individual capacity;
DAWN ALUMBAUGH, Correctional Officer,
individual capacity; BRYAN MARJAMA,
Correctional Officer, individual capacity;
KENDRICK WINTERS, Correctional Officer,
individual capacity; ANGEL PADILLA,
Correctional Officer, individual capacity;
MATTHEW HULSCHER, Correctional Officer,
individual capacity; JENNIFER DREISKE,
Former Deputy Warden, individual capacity;
JORDAN BECKER, Lieutenant, individual

4:20-CV-04083-LLP

SUPPLEMENTAL PRETRIAL ORDER

capacity; JAROD HETTICH, Lieutenant, individual capacity; BRAD SORENSON, Lieutenant, individual capacity; PRESTON PERRET, Lieutenant, individual capacity,	
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Defendants.	
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Eight of the Defendants, Jessica Cook, Dawn Alumbaugh, Bryan Marjama, Angel Padilla, Jennifer Dreiske, Jordan Becker, Brad Sorenson, and Preston Perret waived their right to personally appear at the trial and will appear only through their defense counsel. The Court acknowledged these waivers and granted these Defendants permission to appear at trial through their defense counsel. Another Defendant, Angela Pechous, attempted to waive her right to personally appear at the trial and requested permission to appear only through her defense counsel, but the Court denied Ms. Pechous' request because she did not submit a supporting affidavit, as ordered by the Court.

The fact that some Defendants waived their right to personally appear at trial and will be appearing only through their counsel may not be commented on before the jury at any time. The fact that Defendant Pechous requested, but was not permitted, to appear at trial only through her counsel may not be commented on before the jury at any time.

That the Court is permitting some of the Defendants to appear at trial only through their counsel does not mean that in an appropriate situation the Court would not consider an adverse inference instruction. *See Boardman v. Nat'l Med. Enters.*, 106 F.3d 840, 844 (8th Cir. 1997); *Tyler v. White*, 811 F.2d 1204, 1207 (8th Cir. 1987).

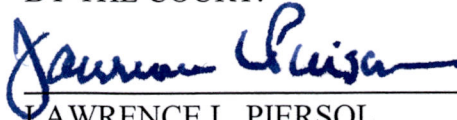
In addition, the parties and their counsel may not comment, argue, or suggest to the jury during voir dire, opening statement, or otherwise, that the jury should draw any inference, one way or the other, based on the fact that some of the Defendants are appearing only through their counsel

during the trial. If no adverse inference instruction is given and counsel wishes to argue an adverse inference due to a missing witness during closing, counsel must obtain permission from the Court in a hearing outside the presence of the jury before closing arguments.

IT IS SO ORDERED.

DATED this 9th day of July, 2025.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Lawrence Piersol", written over a horizontal line.

LAWRENCE L. PIERSOL
United States District Judge